

**Senate Bill No. 1411**

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Passed the Senate      May 16, 1996

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*Secretary of the Senate*

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Passed the Assembly      June 24, 1996

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_ day  
of \_\_\_\_\_, 1996, at \_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_

An act to amend Section 5440 of, and to add Section 5442.8 to, the Business and Professions Code, relating to outdoor advertising.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1411, Johnson. Highways: outdoor advertising.

The Outdoor Advertising Act regulates the placement of advertising displays adjacent to and within specified distances of certain highways. Among other things, the act prohibits, with specified exceptions, the placement of an advertising display on property adjacent to a section of landscaped freeway.

This bill would exempt from that prohibition an advertising display used exclusively to identify development projects, business centers, or associations located within, or sponsored by, the City of Costa Mesa to support economic development activities, if the display meets specified conditions.

The bill would set forth facts and declare that the provisions specified above constitute necessary special legislation.

*The people of the State of California do enact as follows:*

SECTION 1. Section 5440 of the Business and Professions Code is amended to read:

5440. Except as provided in Sections 5441, 5442, 5442.7, and 5442.8, no advertising display shall be placed or maintained on property adjacent to a section of a freeway which has been landscaped if the advertising display is designed to be viewed primarily by persons traveling on the main-traveled way of the landscaped freeway.

SEC. 2. Section 5442.8 is added to the Business and Professions Code, to read:

5442.8. Section 5440 does not apply to any advertising structure or sign if the advertising display is used



exclusively to identify development projects, business centers, or associations located within the jurisdiction of, or sponsored by, the City of Costa Mesa to support economic development activities, if all of the following conditions are met:

(a) No other display is used by the city pursuant to this section.

(b) The governing body of the city has authorized placement of the display by an ordinance or resolution adopted following a duly noticed public hearing regarding the display.

(c) Placement of the display will not necessitate the immediate trimming, pruning, topping, or removal of existing trees in order to make the display visible or to improve its visibility, unless done as part of the normal landscape maintenance activities that would have been undertaken without regard to the placement of the display.

(d) The display does not cause a reduction in federal aid highway funds, as provided in Section 131 of Title 23 of the United States Code.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances that exist in the City of Costa Mesa. The facts constituting the special circumstances are as follows:

(a) Existing law prohibits certain automobile dealership malls in the City of Costa Mesa from erecting advertising signs or displays along the freeway because they are located next to a portion of the freeway that has been designated a landscaped freeway, as defined in Section 5216 of the Business and Professions Code. Other competing auto malls in Orange County, located along the same freeway but not next to a portion of the freeway that has been designated a landscaped freeway, are not prohibited from erecting those signs or displays. This situation puts those auto malls in Costa Mesa that are

located next to a landscaped freeway at a serious competitive disadvantage.

(b) Automobile dealerships located in the auto malls in the City of Costa Mesa are the second highest sales tax generators in the city. In addition, because those dealerships employ approximately 1,000 persons, the auto malls provide other significant benefits to the city's economy. Accordingly, the City of Costa Mesa has an obligation to promote those dealerships' ability to compete with other automobile dealerships in Orange County.

(c) Section 2 of this act will greatly assist the City of Costa Mesa in this regard.



Approved \_\_\_\_\_, 1996

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*Governor*

